

## REMARKS

Claims 1-3, 6-13 and 16-29 are currently active.

Claims 4, 5, 14 and 15 have been canceled.

Claims 20-29 have been added. Antecedent support for new Claims 20-29 is found in Claims 1-5 and 11-15.

The Examiner has rejected Claims 1-4 and 11-14 as being unpatentable over Bianchini in view of Dempsey. Applicant respectfully traverses this rejection. Claims 1 and 11, as amended, are Claims 5 and 15 written in independent form. The applied art of record does not teach these limitations.

In regard to new Claims 20-29, it is a black letter law that in order for references to be combined, there must be teachings in the references themselves to combine these teachings. It is respectfully submitted that the system taught by Bianchini and the system taught by Dempsey are so distinct that they cannot be combined, and one skilled in the art would never look to combine any of their teachings.

Referring to Bianchini, there is taught a switch that uses RAID techniques to increase overall switch bandwidth while minimizing individual fabric bandwidth. See column 5, lines 45-50. The system taught by Bianchini formats data into a 12 bit data stream, appends a check word, splits the data stream across the N, non-spare fabrics to the system, generates a parity stripe of width equal to the stripes going to the other fabrics, and sends the N + 1 data streams out to the back plane. This is the basic structure of the system taught by Bianchini.

In contrast, and referring to Dempsey, there is taught a SONET format signal transport system and specifically does not have an architecture which involves any port card sending stripes to a plurality of fabrics. That is, Dempsey teaches an entire system while Bianchini specifically teaches a switch. Dempsey teaches a SONET clear channel transport 1: N system having a plurality of 1: N low-speed system 16 connected by an N + 1 high-speed clear channel system 18 as shown in figure 3. The four high-speed terminal system 18 includes 4 0:1 high-speed clear channel terminals 12, each of 0:1 high speed terminal 12 coupled to another 0:1 high-speed terminal by a single working channel. The first low-speed SONET transport system 16 includes 1: 3 low-speed terminal 20 connected to 1:3 low-speed terminal 60 via clear channel high speed SONET transport system 18. Low-speed terminal 20 connects to low-speed terminal 60 via three working channels 22, 24, 26, and one protection channel 28. Working channel 22 connects low-speed terminal 20 to high speed terminal 110 and low-speed terminal 60 to high speed terminal 150, working channel 24 connects low-speed

terminal 20 to high speed terminal 120 and low-speed terminal 60 to high-speed terminal 160, while working channel 26 connects low-speed terminal 20 to high speed terminal 130 and low-speed terminal 60 to high speed terminal 170, and protection channel 28 and a slow speed terminal 20 to high-speed terminal 140 and low-speed terminal 60 to high-speed terminal 180. It is clear from this, that the teachings of Dempsey have nothing to do with a switch whatsoever. There is no teaching or suggestion that such architecture could be used inside of a switch such as that taught by Bianchini. The application of the system taught by Dempsey to be configured into a single switch is by no means trivial, if possible at all. One skilled in the art would not look to the operation of an overall network system in order to create connectivity inside a switch. In fact, one skilled in the art will know enough never to even try to attempt to do the same since the design of a switch and design of a network are so distinct. For this reason alone, the references of Bianchini and Dempsey cannot be combined. The Examiner is reminded that teachings cannot be taken out of the context in which they are found.

Additionally, nowhere are there RAID techniques taught or used by Dempsey, or is the data split into stripes let alone a parity stripe or the existence of a parity fabric. Dempsey teaches that in operation terminal 20 can transmit OC48 SONET transport signal W11 across working channel 22 to high-speed terminal 110. Likewise, terminal 30 can transport signal W21 across channel 32, terminal 40 can transport signal W 31 across channel

42, and terminal So can transport signal W41 across channel 52 to high-speed terminal 110. High-speed terminal 110 will receive each of the incoming transport signals and will electrically package these signals as one OC192 signal and transport the entire signal W to high-speed terminal 150 across working channel 115.

What is fundamentally different in regard to the manipulation of data taught by Bianchini and the manipulation of data taught by Dempsey is that because stripes of the data are formed by Bianchini, the synchronization is absolutely critical and they cannot simply be merged to form one larger signal. The operability of the system taught by Bianchini would be lost. There is no teaching or suggestion how the system taught by Bianchini would be modified to be able to somehow or other accomplish this merging which is taught by Dempsey. It would certainly require more than a simple multiplexing, as taught by Bianchini itself in regard to the requirement of an unstriper, aggregator and separator, as taught in column 6, lines 1-25. Accordingly, it is respectfully submitted that Claims 20-29 are not obvious from Bianchini in view of Dempsey.

The Examiner, on page 6, last paragraph, of the Office Action states that one skilled in the art would have recognized the need for effectively and efficiently processing telecommunications signaling in the SONET frame data between different line rates, and would have applied Dempsey's teaching of the SONET format signaling transport system into

Bianchini's novel use of a switch for switching with variable length packets and fixed length ATM cells of a network. Therefore, it would have been obvious to a person of ordinary skill in the art that the time the invention was made to apply Dempsey's clear signal 1: N transport system and method into Bianchini's receiver makes right with the motivation being to provide a method and system for performing transfer connection of SONET frame data between different line rates. As mentioned above, it is respectfully submitted that one skilled in the art would not have recognized the need for effectively and efficiently processing telecommunications signaling and SONET frame data between different line rates, and would have applied Dempsey's teaching of the SONET format signal transport system into Bianchini's novel use of a switch because the teachings are focused on different types of functions and architectures, one being a switch, one being a network. Moreover, it is black letter law that the teachings to combine references must be found in the teachings themselves and the Examiner is clearly stating that the motivation to combine the teachings are not in the references themselves but external motivations and nowhere stated inside the references themselves.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-3, 6-13 and 16-29, now in this application be allowed.

Respectfully submitted,

JEFF SCHULZ

By

A handwritten signature in black ink, appearing to read "Ansel M. Schwartz", written over a horizontal line.

Ansel M. Schwartz, Esquire

Reg. No. 30,587

One Sterling Plaza

201 N. Craig Street

Suite 304

Pittsburgh, PA 15213

(412) 621-9222

Attorney for Applicant